

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

TAVIUS L. SMITH

Plaintiff

v.

Civil Action No: 1:14-00525

HSBC YAMAHA MUSIC, et al.,

Defendants

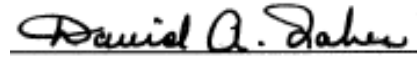
MEMORANDUM OPINION AND ORDER

Pending before the court is a joint stipulation for partial voluntary dismissal with prejudice (Doc. No. 15), as to defendant NCO Financial Systems, Inc. ("NCO"). The court finds that this pleading constitutes a "stipulation of dismissal signed by all parties who have appeared" pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. This court's endorsement is therefore not required by the Federal Rules. See Camacho v. Mancuso, 53 F.3d 48, 51 (4th Cir. 1995) (recognizing that a stipulated dismissal under Rule 41(a)(1)(ii) does not require the entry of an order by the court). However, as plaintiff and NCO have requested a court order, the court ORDERS this action dismissed with prejudice as to defendant NCO pursuant to Rule 41(a)(1). Each party shall bear its own costs and attorney's fees. Plaintiff will continue to maintain this action against the remaining defendants.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED on this 6th day of February, 2014.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge